

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 94-191-T - ORDER NO. 97-135
FEBRUARY 19, 1997

IN RE: Application of Jimmie Ray Collins DBA)	ORDER
Collins Moving & Storage, 3097 N.)	DENYING
Blackstock Road, Spartanburg, SC 29301,)	REHEARING
to Amend Class E Certificate of Public)	AND/OR
Convenience and Necessity No. 9548.)	RECONSIDERATION

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion for Rehearing and/or Reconsideration of Order No. 97-74 filed by Jimmie Ray Collins DBA Collins Moving & Storage (Collins or the Company). Collins specifically asks the Commission to reconsider its decision denying its Motion to dismiss all Intervenor and/or its decision denying Collins' Motion for a Protective Order regarding discovery.

Collins notes two major bases for its Motion. First, Collins alleges that many of the Intervenor's discovery requests are improper under South Carolina law, and that in order for the Commission to rule upon technical objections to discovery, it must be presented with concise legal arguments interpreting South Carolina rules and legal precedent and, that, further, the Commission should require corporations to propound discovery requests through counsel. Second, Collins states a belief that Commission Regulation 103-851 supports the statement that

discovery should be propounded through counsel only.

In response, P. A. Carey, President of Carey Moving & Storage states that the attorney for Collins prepared most of the discovery requests when he represented Carey in a previous hearing, and that, since they were generic in nature, the same requests would be in order in this case. (The upshot of the matter is that Carey simply used generic interrogatories prepared on his behalf in another case, and served them on Collins. Carey then intended to use the answers in preparing his statement to this Commission.) Therefore, Carey does not see how the discovery requests are improper under South Carolina law. Second, Carey notes that the regulation states that "any party of record may serve upon other parties of record written interrogatories to be answered by the parties served." Carey notes there is no mention of attorneys, or the use of them in this regulation. According to Carey, the regulation clearly says that "any party of record may serve... interrogatories," which includes him.

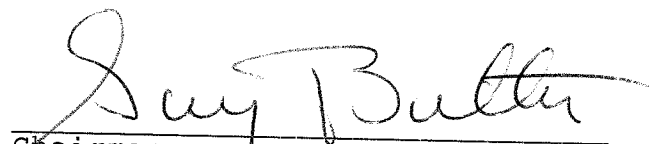
We have examined the matter, and agree with Carey. First, since counsel for Collins Moving & Storage originally developed most of the interrogatories propounded by Carey, we do not see how the interrogatories can be improper, and we do not see why counsel would be required to propound such interrogatories. Second, Regulation 103-851 states that any party of record may serve interrogatories. The regulation does not require an attorney to do so. Therefore, it appears to this Commission that the allegations of the Motion are without merit, and that said Motion

should be denied.

Accordingly, the Commission directs Collins Moving & Storage to answer the interrogatories propounded by Intervenor in this case, and hereby orders that the hearing on the merits to be continued until a time after such interrogatories are answered.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)